

REMARKS

In response to the Office Action dated May 14, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-13 are pending in the application and claims 1-13 have been rejected. Claims 1-2, 8 and 12 have been amended. Support for the amendment can be found in the entire specification. No new matter has been added by the amendment.

Sequence Rules

The Examiner has stated that the amino acids presented in Figs. 4A, 4B and 6 do not have SEQ ID Nos, and the specification fails to comply with the sequence rule.

Fig. 4A has been amended to incorporate SEQ ID Nos. 1 and 3; Fig. 4B has been amended to incorporate SEQ ID Nos. 1, 3 and 5; and Fig. 6 has been amended to incorporate SEQ ID Nos. 5, 6 and 7.

Further, the sequence listings has been amended to add SEQ ID Nos. 6 and 7. SEQ ID Nos. 6 and 7 present the amino acid sequences of alkaline lipases from *Pseudomonas glumae* and *Burkholderia cepacia*, respectively. The amino acid sequences of SEQ ID Nos. 6 and 7 have been originally presented in Fig. 6, and the specification, for example, on page 8, lines 9-16, has described Fig. 6. Thus, the amendment of the sequence listing is supported by the specification, and no new matter has been added.

New Sequence Rules

According to the amendment of the sequence listing, Applicants has submitted substitute sheets of the sequence listing, a substitute copy of the computer readable form including all previously submitted data with the amendment incorporate therein, and the statement under 37 CFR 1.825 (a) and (b).

Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 7-13 stand rejected under 35 U.S.C. § 112, first paragraph. The Examiner has stated that the specification lacks complete deposit information for the deposit of plasmid/microorganism/vector.

The microorganisms referred to as recombinant vectors pHL1 and pHLB29 of accession numbers KCCM-10384 and KCCM-10385, in claim 7, have been deposited in International Depositary authority: Korean Culture Center of Microorganisms

(KCCM), 361-221, Yurim B/D, Hongje-1-dong, Seodaemun-gu, Seoul 120-091, Republic of Korea, on June 4, 2002, under Budapest Treaty. Applicants have submitted the statement under 37 CFR 1.808 to comply the deposit requirement.

The microorganism referred to as recombinant vector pHAAH38 has not been deposited under the Budapest treaty. However, the deposit of the recombinant vector pHAAH38 is not necessary, because the recombinant vector pHAAH38 can be made or isolated without undue experimentation. No deposit is required where the required biological materials can be obtained from publicly available material with only routine experimentation and a reliable screening test. *Tabuchi v. Nubel*, 559 F.2d 1183, 194 USPQ 521 (CCPA 1977); *Ex Parte Hata*, 6 USPQ 2d 1652 (Bd. Pat. App. & Int. 1987).

The vector pHAAH38 differs from the vector pHLB29, which has been deposited under the Budapest Treaty and has been publicly available, in that the nucleotide sequence containing valL2 and valL1 gene is oriented in a reverse direction (See page 7, lines 18-19 and Fig. 5 of the Application). A person skilled in the art could make the vector pHAAH38 from the vector pHLB29 by performing PCR of the nucleotide sequence containing valL2 and valL1 gene of the vector pHLB29 and reversing the direction of the genes in a vector. The gene reversing in a vector and PCR are routine experimentation, and thus the vector pHAAH38 could be made from pHLB29 without undue experimentation. For example, as described in page 7, lines 10-24 of the Application, the nucleotide sequence is inserted at the Sma I site of pUC19, the inserted sequence is changed into blunt end by Sma I, and the blunt end is recombined with the blunt ended nucleotide sequence containing valL2 and valL1 genes, which are amplified by PCR from pHLB29.

Because the pHAAH38 can be made without undue experimentation and the statement under 37 CFR 1.808 for the vectors pHL1 and pHLB29 is submitted, the deposit requirement is met and the claimed subject matter is fully described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 8-13 stand rejected under 35 U.S.C. § 112, second paragraph.

Claim 8 has been amended to recite "A transformed host cell comprising the recombinant vector of claim 6", as suggested by the Examiner.

Although the Examiner has cited claim 13 on page 5 of the office action, it is believed that the cited claim is not claim 13 but claim 12. Claim 12 has been amended to recite "A detergent composition comprising the alkaline lipase of claim 1", as suggested by the Examiner.

Thus, claims 8 and 12 are believed to be allowable. Claims 9-11 and 13 depend from claim 8, thus are believed to be allowable due to their dependency on claim 8.

Claim Rejections under 35 U.S.C. § 101

Claims 1-13 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 2 have been amended to recite " An isolated alkaline lipase having an amino acid sequence of SEQ ID NO: 5." and " A isolated polynucleotide comprising a sequence encoding an amino acid sequence of SEQ ID NO: 5.", as suggested by the Examiner. Claims 3-13 are believed to be allowable due to their dependency on claim 1 or 2, respectively.

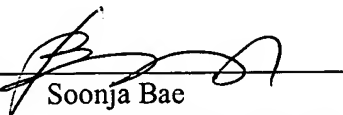
Conclusion

In view of the forgoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested.

If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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